IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 5574 of 2004(L)

PETITIONER:

ANNIE JOMON, W/O. JOMON,
KUREEKKUNNEL HOUSE, VALAVOOR, PALA.

BY ADV. SRI.LIJI.J.VADAKEDOM.

RESPONDENTS:

1. **TAHSILDAR (ADDL.) TALUK OFFICE,**
   MEENACHIL TALUK, PALA.
2. **THE VILLAGE OFFICER, VALLICHIRA VILLAGE,**
   VALLICHIRA, PALA.
3. **THE ASSISTANT ENGINEER, PWD (ROADS),**
   PALA.
4. **KURIACHAN P.G., S/O. GEORGE,**
   PONNATHU HOUSE, VALAVOOR P.O., PALA.

BY GOVERNMENT PLEADER SRI. K.V. MANOJ FOR R1 TO R3,
ADV.SRI.JOHNSON MANAYANI FOR R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5574/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALE DEED 3349/98 OF THE S.R.O. MEENACHIL.

EXT.P.2: COPY OF THE CERTIFICATE DTD. 05/07/03.

EXT.P.3: COPY OF THE COMMISSION REPORT FILED BY THE COMMISSIONER IN THE SUIT.

EXT.P.4: COPY OF THE ORDER DTD. 12/08/2003 OF THE LEARNED MUNSIFF, PALA IN I.A. NO. 1109/03 IN O.S. NO. 149/03.

EXT.P.5: COPY OF THE JUDGMENT DTD. 05/12/2003 IN W.P.(C). 38405/03 BEFORE THIS HONOURABLE COURT.

EXT.P.6: COPY OF THE PLAN OF THE PROPERTY OF THE PETITIONER PREPARED BY THE TALUK OFFICE AUTHORITIES, MEENACHIL SHOWING THE LIE OF THE CONSTRUCTION.

EXT.P.7: COPY OF THE NOTICE ISSUED BY THE R.1. TO THE PETITIONER ON 01/01/04.

EXT.P.8: COPY OF THE NOTICE ISSUED BY THE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 5574 OF 2004

Dated this the 1st day of August, 2007.

J U D G M E N T

In the matter of alleged encroachment, in view of the intervening developments leading to the decree passed by the Munsiff Court, Pala in O.S. No. 149/2003, petitioner prays for an opportunity to approach the first respondent for appropriate orders, in the light of such developments.

2. In the event of the petitioner thus approaching the first respondent within a period of one month from today, the matter will be duly considered by the first respondent with notice to the petitioner and fourth respondent and appropriate orders in accordance with law in the matter will be passed within another three months. Interim order passed by this Court will continue till such time.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp